

March 7, 1974

SENATOR LUEDTKE: Yes, the...this you are talking about the informal probate proceedings. And technically speaking, yes you do not need a lawyer. You can register. You can go down with that will, and if you are named as the Executor in that will, and I assume that is what you are saying.

SENATOR MAHONEY: This bill of your pertains to 50,000 and under or 60,000 and under?

SENATOR LUEDTKE: This bill has as far as the informal probate is under..Let's see...thirty..we changed it to thirty five..no no it's still fifty.

SENATOR MAHONEY: Fifty thousand and under. And you can go to your County Clerk? And this service.

SENATOR LUEDTKE: Not County Clerk...County Court. And the Registrar. And by the way there's been some comment about the Registrar. The Registrar is none other than the Clerk of the County Court.

SENATOR MAHONEY: What will be the fee?

SENATOR LUEDTKE: I don't have any idea. That would have to be set by the County Court. I don't remember. Now whether they would want to do the Senator Mahoney. Whether they would want to do that, it's just like people can treat themselves and don't have to go to a doctor. It's true, you do not have to go to a lawyer under this particular proceedings. If there were any tax problems, any real estate. Now you didn't mention whether there were any real estate. Say there is no real estate. It's all in savings and loan and that sort of thing, bank account. That sort of thing. A very simple thing, and it all belongs to the person who is going down there. This is exactly the type of situation that this bill would fit.

PRESIDENT: Senator Carstens.

SENATOR CARSTENS: Now, Mr. President and members of the Legislature I would..I have already stated in the morning from time to time, my objections to this bill. And I am opposing the advancement for the same reason. I know that just exactly what Senator Mahoney was just talking about is the bait that is being used to getting this bill across. It's ..we talk about we read endlessly about simplifying, simplifying, simplifying. I can't even keep track of the bill. Let me just call your att...If you people would just do something for just a minute, I want to show you something in this bill. If you have it, and if you are interested, and if you care at all, and if you can read it. I'd like to for one for you to turn to page 113. In the first place Senator Mahoney doesn't mention that this is, and he is honest and sincere about this, and it doesn't mention who can go and get this all done. If there is one heir fine, but if there is more than one grandchild or widow and children or second wife and marriage of the children of the first wife. Who is going to do this informal probate. This is the first hang-up in the thing. And now turn to page 113 in Section I. And if you start at the top of the page and line 1 and begin, Subject to the priority stated in section 178, a personal representative acting reasonably. Reasonably. Now what does that mean. We can't even agree on what pornography means.